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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

JAMES E. JOHNSTON
4033 W. 164th Street
Lawndale, California 90260

Respiratory Care Practitioner License No. 22601

Respondent.

Case No. R-2000

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Elaine Gyurko, Senior Legal Analyst.

2. James E. Johnston (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about October 11, 2002, the Board issued Respiratory Care

1 Practitioner License No. 22601 to Respondent. This license expired on June 30, 2005, and has
2 not been renewed.

3 JURISDICTION

4 4. Petition to Revoke Probation No. R-2000 was filed before the Board, and
5 is currently pending against Respondent. The Petition to Revoke Probation and all other
6 statutorily required documents were properly served on Respondent on October 7, 2005. A copy
7 of Petition to Revoke Probation No. R-2000 is attached as Exhibit A and incorporated herein by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations
11 in Petition to Revoke Probation No. R-2000. Respondent also has carefully read and understands
12 the effects of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to
15 be represented by counsel at his own expense; the right to confront and cross-examine the
16 witnesses against him; the right to present evidence and to testify on his own behalf; the right to
17 the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Petition to Revoke Probation No. R-2000, agrees that cause exists for discipline, and hereby
25 surrenders his Respiratory Care Practitioner License No. 22601 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the
27 Board to issue an order accepting the surrender of his Respiratory Care Practitioner License
28 without further process.

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1 charges and allegations contained in Petition to Revoke Probation No. R-2000 shall be deemed to
2 be true, correct, and admitted by Respondent when the Board determines whether to grant or
3 deny the petition.

4 16. Respondent shall pay the Board past due probation monitoring costs of
5 \$700.00, and current cost recovery of \$828.00, for a total of \$1,528.00, prior to issuance of a
6 reinstated license.

7 ACCEPTANCE

8 I have carefully read the Stipulated Surrender of License and Order. I understand
9 the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into
10 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree
11 to be bound by the Decision and Order of the Respiratory Care Board.

12 DATED: January 9, 2006

13
14 Original signed by:
15 JAMES E. JOHNSTON
16 Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully
19 submitted for consideration by the Respiratory Care Board of the Department of Consumer
20 Affairs.

21 DATED: January 27, 2006

22
23 BILL LOCKYER, Attorney General
24 of the State of California

25
26 Original signed by:
27 ELAINE GYURKO
28 Senior Legal Analyst

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation
Against:

Case No. R-2000

JAMES E. JOHNSTON
4033 W. 164th Street
Lawndale, California 90260

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs as its Decision in the above entitled matter.

This Decision shall become effective on March 23, 2006.

It is so ORDERED March 13, 2006.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Exhibit A

Petition to Revoke Probation No. R-2000